THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16886 of 2005

Between:

M.Pedda Malleshu

.. Petitioner

and

The District Collector, Nizamabad and others

.. Respondents

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16886 of 2005

O R D E R:

This writ petition is filed seeking a direction to the respondents to continue the petitioner in possession and enjoyment of the lands to an extent of Ac.2.33 guntas, in Sy.No.167/2 and Ac.2.18 guntas in Sy.No.167/3, situated at Komanpalli village, Vailpoor Mandal, Nizamabad District and declaring the action of the second respondent in issuing the proceedings dated 28.05.2005 cancelling the assignment made in favour of late D.M.Shankar Rao, as illegal and arbitrary.

The petitioner claims that he purchased the lands in question from one D.M. Shankar Rao and since then he has been in possession and enjoyment of the same. Now his grievance is that the respondents are trying to dispossess him from the said property on the ground that the assignment granted in favour of the said Shankar Rao was cancelled through proceedings dated 28.05.2005 of the second respondent. He further alleges that though he submitted a representation dated 05.07.2005 to furnish a copy of the said proceedings, the same was unattended to. Hence, he seeks necessary directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Today, when the matter is taken up for admission, the learned Government Pleader made available before this Court the copy of the proceedings dated 28.05.2005, where under the second respondent cancelled the assignment in favour of the political sufferer by name D.M.Shanker Rao. A perusal of the same discloses that the assignment in favour of the vendor of the petitioner was cancelled. In view of the same, the only remedy available to the petitioner is to approach the appellate authority by way of filing an appeal.

Therefore, the petitioner is directed to assail the correctness of the order, dated 28.05.2005, passed by the second respondent before the appellate authority concerned.

With the above said direction, the writ petition is disposed of at the stage of admission. There shall be no order as to costs.

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04.08.2005

Note: Issue C.C. in three days.

(B/o)

kdl